

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

PROJECT VERITAS ACTION FUND,	)	
Plaintiff,	)	
	)	
v.	)	Civil Action No. 1:16-cv-10462-PBS
	)	
DANIEL F. CONLEY,	)	
Defendant.	)	
	)	

**DISTRICT ATTORNEY’S MOTION TO EXTEND  
PARTIES’ TIME TO RESPOND TO COURT ORDER**

The defendant, the District Attorney for Suffolk County, respectfully requests that this Court extend the parties’ time to “submit a proposed form of injunction” from the current deadline of January 10, 2019, by sixty days until March 11, 2019. As grounds, the District Attorney states:

1. On December 10, this Court granted the plaintiff’s motion for summary judgment and declared Mass. G.L. c. 272, § 99, unconstitutional “insofar as it prohibits audio recording of government officials, including law enforcement officers, performing their duties in public spaces . . . .” #132 at 43. The Court also expressed an intention to “issue a corresponding injunction against the defendant[,]” and ordered the parties to “submit a proposed form of injunction by January 10, 2019.” *Id.* at 43-44; see also #133.

2. Unfortunately, this schedule directly conflicts with a transition in the Office of the Suffolk District Attorney. Specifically, a newly-elected District Attorney, Rachael Rollins, will be inaugurated and assume office on January 2, 2019. It is expected that Ms. Rollins, like any incoming District Attorney, will immediately face a formidable set of tasks.

3. Thus, additional time is necessary to permit Ms. Rollins to carefully consider, with undersigned counsel and her staff, the issues raised by this case, this Court's recent opinion (including the "loose ends" identified therein, see #132 at 41-43), the range of possible responses to the Court's order, and, ultimately, the responsive submission that she ought to make.

4. Although extension of this deadline will necessarily delay this Court's entry of judgment (and thus any ensuing appeal), such an extension will permit the District Attorney to better-assist the Court by having the time to craft a thoughtful response to this Court's order, which hopefully should ease this Court's task of preparing a suitable form of judgment.

WHEREFORE, the District Attorney respectfully requests that this Court extend the existing deadline of January 10, 2019, by sixty days until March 11, 2019.

Respectfully submitted,

MAURA HEALEY  
ATTORNEY GENERAL

*/s/ Eric A. Haskell*

December 21, 2018

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**CERTIFICATE OF SERVICE**

I certify that a true copy of this document will be sent electronically by the ECF system to attorneys of record identified on the Notice of Electronic Filing.

*/s/ Eric A. Haskell*

December 21, 2018

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Eric A. Haskell  
Assistant Attorney General

**CERTIFICATE OF CONFERENCE**

Pursuant to LR 7.1(a)(2), I certify that I have conferred with the plaintiff's counsel of record regarding the relief requested by this motion.

*/s/ Eric A. Haskell*

December 21, 2018

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Eric A. Haskell  
Assistant Attorney General